

**ATTORNEY DOCKET NO. 19113.0071U2
PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re Application of
Argraves *et al.*Serial No. 09/700,455
Confirmation No. 5273

Filed: February 1, 2001

For: METHODS AND COMPOSITIONS FOR
HDL HOLOPARTICLE UPTAKE
RECEPTOR

Group Art Unit: 1647

Examiner: Wegert, S.L.

ELECTION UNDER RESTRICTION REQUIREMENTCommissioner for Patents
Patent Office
Alexandria, VA 22313-1450
Attention: Examiner Sandra L. Wegert
Facsimile No. 703-872-9306NEEDLE & ROSENBERG, P.C.
100 Peachtree Street, N.E.
Atlanta, Georgia 30302-1811

March 28, 2003

Sir:

This is in response to the Office Action issued October 2, 2002, wherein restriction of the claims of the above-referenced application is required. The Office Action requires restriction to one of five groups of claims. In response, Applicants provisionally elect Group V (claims 30-34¹), drawn to a method of screening a substance for the ability to modulate the HDL holoparticle binding and/or internalization activity, with traverse.

Applicants further request that the restriction requirement be reconsidered, because the Examiner has not shown that a serious burden would be required to examine all the claims.

M.P.E.P. § 803 provides:

¹ Applicants note that there is a typographical error on page 2 of the Restriction Requirement, which states that Group V consists of claims 30-24 rather than claims 30-34.

#8
S.G.J.
4/1/03

**ATTORNEY DOCKET NO. 19113.0071U2
SERIAL NO. 09/700,455**

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Thus, for a restriction requirement to be proper, the Examiner must satisfy the following two criteria: (1) the existence of independent and distinct inventions (35 U.S.C. § 121); and (2) **the search and examination of the entire application cannot be made without serious burden.** See M.P.E.P. § 803.

In particular, the Examiner has not shown that the second requirement has been met. Specifically, the Examiner has not shown that it would be a serious burden to search and examine the groups together. Because little or no additional burden would be required to search and examine the groups together, Applicants respectfully submit that the groups should be searched and examined together. For these reasons, reconsideration and withdrawal of the restriction requirement is requested.

For the reasons stated above, Applicants respectfully assert that restriction of the claims as set forth by the Examiner would be contrary to promoting efficiency, economy and expediency in the U.S. Patent and Trademark Office (PTO), and further point out that restriction by the Examiner is discretionary (M.P.E.P. § 803.01). Thus, Applicants respectfully request that all of the claims of this application be examined together. Consequently, reconsideration and modification or withdrawal of the restriction requirement is requested.

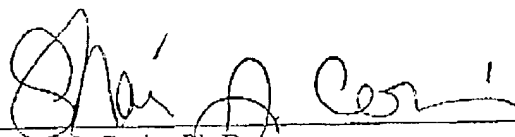
Enclosed is a Request for a five-month extension of time and Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$1,970.00 to extend the period for response by five months, i.e., to, April 2, 2003. It is believed that no additional fees are due; however, the

ATTORNEY DOCKET NO. 19113.0071U2
SERIAL NO. 09/700,455

Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to
Deposit Account No.14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

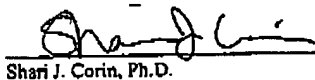


Shari J. Corin, Ph.D.
Registration No. 46,243

The Candler Building
127 Peachtree Street, N.E.
Atlanta, GA 30303-1811
(404) 688-0770

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.5

I hereby certify that this correspondence is being transmitted via facsimile no. 703-872-9306 to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. ATTN: Examiner Sandra L. Wegert, on the date shown below.


Shari J. Corin, Ph.D.

March 28, 2003
Date